

REMARKS

Claims 1, 10 and 16 have been amended to more clearly describe Applicant's invention. Support for the amendments can be found throughout the specification, including the original claims. No new matter has been added. Claims 2-5, 9, 11-14, and 17-21 have been cancelled without prejudice. Claims 1, 6-8, 10, 15-16, and 22 are pending.

Rejection of claims under 35 U.S.C. § 103

Claims 1-13 and 15

The Examiner has rejected claims 1-13 and 15 under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,265,083 to Ishii ("Ishii") in view of U.S. Patent No. 6,374,040 to Mizoguchi ("Mizoguchi"). Claims 1 and 10 are independent.

Claim 1 relates to a portable digital image viewer including a base including a disc reader configured to read a digital image file from a disc, an integrated display screen configured to display a still image from the digital image file, a controller, wherein the digital image file is a JPEG, GIF, TIFF or bitmap file and the controller is configured to decode the digital image file for display on the integrated display screen, a lid including the integrated display screen on an outer surface of the lid, wherein the lid is attached to the base by a hinge and swinging between an open position and a closed position, and encloses a disc, and one or more control keys mounted on the base and operably connected to the disc reader, wherein a control key is configured to advance a first still image displayed on the screen to a second still image.

Claim 10 relates to a portable digital image viewer including a base including a disc reader configured to read a digital image file from a disc, wherein the disc reader includes a laser that operates at a wavelength longer than 750 nm, an integrated display screen configured to display a still image from the digital image file, a lid including the integrated display screen on an outer surface of the lid, wherein the lid is attached to the base by a hinge and swinging between an open position and a closed position, and encloses a disc, one or more control keys mounted on the lid and operably connected to the disc reader, and wherein the viewer is configured to display one or more images on the integrated display screen as a thumbnail.

Ishii does not describe or suggest a viewer including a base including a disc reader configured to read a digital image file from a disc, an integrated display screen configured to display a still image from the digital image file, a controller, wherein the digital image file is a JPEG, GIF, TIFF or bitmap file and the controller is configured to decode the digital image file for display on the integrated display screen, a lid including the integrated display screen on an outer surface of the lid, wherein the lid is attached to the base by a hinge and swinging between an open position and a closed position, and encloses a disc, and one or more control keys mounted on the base and operably connected to the disc reader, wherein a control key is configured to advance a first still image displayed on the screen to a second still image. Ishii also does not describe or suggest a portable digital image viewer including a base including a disc reader configured to read a digital image file from a disc, wherein the disc reader includes a laser that operates at a wavelength longer than 750 nm, an integrated display screen configured to display a still image from the digital image file, a lid including the integrated display screen on an outer surface of the lid, wherein the lid is attached to the base by a hinge and swinging between an open position and a closed position, and encloses a disc, one or more control keys mounted on the lid and operably connected to the disc reader, and wherein the viewer is configured to display one or more images on the integrated display screen as a thumbnail. Mizoguchi does not provide what is lacking in Ishii.

For example, neither Ishii nor Mizoguchi, alone or in combination, describes or suggests:

- (1) an integrated display screen configured to display a still image from the digital image file;
- (2) a lid including the integrated display screen on an outer surface of the lid, wherein the lid is attached to the base by a hinge and swinging between an open position and a closed position, and encloses a disc;
- (3) a controller, wherein the digital image file is a JPEG, GIF, TIFF or bitmap file and the controller is configured to decode the digital image file for display on the integrated display screen; and
- (4) a control key is configured to advance a first still image displayed on the screen to a second still image.

The integrated design of the claimed viewer is a uniquely new and improved variation allowing immediate viewing in a much more compact arrangement. Integrating the screen on the outside of the cover eliminates a number of components of Ishii and Mizoguchi. These improvements allow for manufacturing cost savings and efficiencies and operational ease.

Accordingly, claims 1 and 10 and claims that depend therefrom are not anticipated by Ishii. Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 14 and 16-22

The Examiner has rejected claims 14 and 16-22 under 35 U.S.C. § 103(a) as being unpatentable over Ishii combined with Mizoguchi and "Official Notice". Claim 14 depends from independent claim 10. Claims 17-22 depend from independent claim 16.

Referring to claim 10, as discussed above, Ishii, Mizoguchi, and combinations thereof do not describe or suggest a portable digital image viewer including a base including a disc reader configured to read a digital image file from a disc, wherein the disc reader includes a laser that operates at a wavelength longer than 750 nm, an integrated display screen configured to display a still image from the digital image file, a lid including the integrated display screen on an outer surface of the lid, wherein the lid is attached to the base by a hinge and swinging between an open position and a closed position, and encloses a disc, one or more control keys mounted on the lid and operably connected to the disc reader, and wherein the viewer is configured to display one or more images on the integrated display screen as a thumbnail.

Referring to claim 16, Ishii, Mizoguchi, and combinations thereof do not describe or suggest a portable digital image viewer including a base including a disc reader configured to read a digital image file from a disc, an input port for a digital memory card configured to read a digital image file from a digital memory card, an integrated display screen configured to display a still image from the digital image file, a lid including the integrated display screen, the lid being attached to the base by a hinge and swinging between an open position and a closed position, wherein the lid when in the closed position encloses the disc, and one or more control keys mounted on the lid and operably connected to the disc reader, wherein the viewer is configured to display one or more still images generated from one or more digital image files on the integrated display screen as a thumbnail and the viewer is configured to display a still image generated from a digital image file at full size on the integrated display screen.

The Examiner relies on "Official Notice" to provide those features that are lacking in Ishii and Mizoguchi. However, no support is given from the "Official Notice" taken. In particular,

Thus, for at least this reason, claim 10, and claim 14 which depends therefrom, is patentable over Ishii combined with Mizoguchi and "Official Notice". According to MPEP 2144.03 A, "Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. While 'official notice' may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113. Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known.", and B. "If Official Notice Is Taken of a Fact, Unsupported by Documentary Evidence, the Technical Line Of Reasoning Underlying a Decision To Take Such Notice Must Be Clear and Unmistakable". In the current rejection, the Examiner appears to have relied on hindsight in reaching the present obviousness determination. In other words, all the Examiner has done is pick and choose separate, unrelated elements in the references and by taking "Official Notice" without documentary evidence and with the benefit of the knowledge of the present invention, and then combined these elements to produce the claimed viewer, even though the cited art does not teach or suggest such a combination in any manner.

The integrated design of the claimed viewer is a uniquely new and improved variation allowing immediate viewing in a much more compact arrangement. Integrating the screen on the outside of the cover eliminates a number of components of Ishii and Mizoguchi. These improvements allow for manufacturing cost savings and efficiencies and operational ease.

For at least these reasons, independent claims 10 and 16, and claims that depend therefrom, are patentable over Ishii combined with Mizoguchi and "Official Notice". Applicants respectfully request reconsideration and withdrawal of this rejection.

CONCLUSION

Applicants believe that the claims are in condition for allowance.

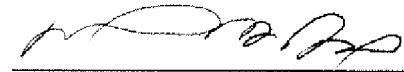
Applicant : Jay Jupiter
Serial No. : 10/668,188
Filed : September 24, 2003
Page : 9 of 9

Attorney's Docket No.: 14987.0002

Should any fees be required by the present Reply, the Commissioner is hereby authorized to charge Deposit Account 19-4293.

Respectfully submitted,

Date: 12-13-07
Customer Number: 27890
STEPTOE & JOHNSON LLP
1330 Connecticut Ave., NW
Washington, DC 20036
Tel: 202-429-3000
Fax: 202-429-3902


Harold H. Fox
Reg. No. 41,498